

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley

December 3, 2012

An act to amend Section 11349.1.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Cooley. State government: Administrative Procedure Act: standardized regulatory impact analyses.

The Administrative Procedure Act governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires each state agency to prepare a standardized regulatory impact analysis, as specified, with respect to the adoption, amendment, or repeal of a major regulation, as defined, that is proposed on or after November 1, 2013. Existing law requires the Department of Finance and the office, from time to time, to review the standardized regulatory impact analyses for adherence to regulations adopted by the department.

This bill would instead require the Department of Finance and the office to annually review the standardized regulatory impact analyses for adherence to the regulations adopted by the department.

Existing law requires, on or before November 1, 2015, the office to submit to the Senate and Assembly Committees on Governmental Organization a report describing the extent to which submitted

standardized regulatory impact analyses for proposed major regulations adhere to the regulations adopted by the department.

This bill would instead require the office to annually prepare that report for the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review and include recommendations for actions the Legislature might consider for improving state agency performance and compliance in the creation of the standardized regulatory impact analyses. This bill would also require the office to notify the Legislature of noncompliance by a state agency and to post the report and the notice of noncompliance on the office's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11349.1.5 of the Government Code is
- 2 amended to read:
- 3 11349.1.5. (a) The Department of Finance and the office shall
- 4 annually review the standardized regulatory impact analyses
- 5 required by subdivision (c) of Section 11346.3 and submitted to
- 6 the office pursuant to Section 11347.3, for adherence to the
- 7 regulations adopted by the department pursuant to Section
- 8 11346.36.
- 9 (b) On or before November 1, 2015, and annually thereafter,
- 10 the office shall submit to the Senate Committee on Governmental
- 11 Organization and the Assembly Committee on Accountability and
- 12 Administrative Review a report describing the extent to which
- 13 submitted standardized regulatory impact analyses for proposed
- 14 major regulations *for that fiscal year* adhere to the regulations
- 15 adopted pursuant to Section 11346.36. The report shall include a
- 16 discussion of agency adherence to the regulations as well as a
- 17 comparison between various state agencies on the question of
- 18 adherence. The report shall also include any recommendations
- 19 from the office for actions the Legislature might consider for
- 20 improving state agency performance and compliance in the creation
- 21 of the standardized regulatory impact analyses as described in
- 22 Section 11346.3.
- 23 (c) In addition to the annual report required by subdivision (b),
- 24 the office shall notify the Legislature of noncompliance by a state

1 agency with the regulations adopted pursuant to Section 11346.36,
2 in any manner or form determined by the office and shall post the
3 report and notice of noncompliance on the office's Internet Web
4 site.

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